

Exhibit S

From: [Wallner, Robert](#)
To: [Provance, Matthew D.](#); [Miller, Britt M.](#)
Cc: [SERVICE-EXTERNAL-DMS-MDL](#)
Subject: RE: DMS-McCray deposition
Date: Tuesday, February 19, 2019 3:04:29 PM
Attachments: [image001.png](#)
[image002.png](#)

Matt,

Thank you for your email. Although Plaintiffs believe that your objections are without merit, we are agreeable to your proposal that CDK's production of the email to Mr. McCray with the unredacted attachment will not waive any privilege that CDK may otherwise have.

On a personal note, because of my travel schedule, I request that you make six copies of the McCray email with the unredacted attachment available at Friday's deposition of Mr. McCray. If this presents a problem, please let me know.

Regards,
Rob

From: Provance, Matthew D. <MProvance@mayerbrown.com>
Sent: Tuesday, February 19, 2019 11:29 AM
To: Wallner, Robert <RWallner@milberg.com>; Miller, Britt M. <BMiller@mayerbrown.com>
Cc: 'SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com' (SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com) <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>
Subject: RE: DMS-McCray deposition

Rob –

Reserving all rights and objections, and notwithstanding that we believe your challenge to the privileged nature of the document is untimely, CDK will produce an unredacted copy of CDK-2165914 in advance of Mr. McCray's deposition provided that MDL Plaintiffs stipulate that CDK's agreement to produce the document does not waive privilege over any subject matter. Please let us know if we have an agreement.

Regards,
Matt

Matt Provance
Mayer Brown LLP
mprovance@mayerbrown.com
Tel: 312 701 8598
Fax: 312 706 9397

From: Wallner, Robert <RWallner@milberg.com>

Sent: Tuesday, February 19, 2019 7:13 AM

To: Wallner, Robert <RWallner@milberg.com>; Miller, Britt M. <BMiller@mayerbrown.com>

Cc: 'SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com' (SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com) <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>

Subject: RE: DMS-McCray deposition

****EXTERNAL SENDER****

Britt,

Given that the McCray deposition is just 3 days away, please advise if you'll produce the document.

Regards,

Rob

From: Wallner, Robert <RWallner@milberg.com>

Sent: Thursday, February 14, 2019 3:25 PM

To: Miller, Britt M. (BMiller@mayerbrown.com) <BMiller@mayerbrown.com>

Cc: 'SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com' (SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com) <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>

Subject: DMS-McCray deposition

Britt,

I write concerning CDK 2165914 (an email to Conver and McCray), and the attachment thereto ("Attachment"). A number of the Attachment's pages are redacted (including CDK 2165921, which apparently quotes statements about the subject incident), even though those pages were produced in unredacted form, and marked yesterday at the Noser deposition. See, e.g., PX 865, at CDK 759286. There seems to be no basis for the redactions. Given next week's deposition of Mr. McCray, please produce an unredacted version of the Attachment as soon as possible. Thanks for your cooperation.

Regards,

Rob

Milberg LLP

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